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October 31, 2023

VIA ECF

The Honorable Lewis A. Kaplan
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Samuel Bankman-Fried*, S6 22 Cr. 673 (LAK)

Dear Judge Kaplan:

On behalf of our client, Samuel Bankman-Fried, we respectfully submit the below proposed jury charge to be included at page 8, line 8 of the Court's draft jury charge as amended per the Government's suggestion during today's charge conference.

In assessing whether the government has proved the existence of a relationship of great confidence and trust, you should consider that such a relationship involves discretionary authority and dependency, and at the heart of the relationship lies reliance, and de facto control and dominance.

This language is adapted from *United States v. Skelly*, 442 F.3d 94, 98-99 (2d Cir. 2006).

Respectfully submitted,

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cc: All counsel of record (via ECF)